

REMARKS

Applicants request reconsideration and allowance in view of the following remarks. Claims 12-39 are pending in this application, with claims 12 and 27 being independent. Claims 12-14, 22, 25, 27-29, 36, 38, and 39 have been amended for clarity, and claims 1-11, 40, and 41 have been cancelled without prejudice or disclaimer of subject matter. No new matter has been introduced.

Interview Summary

Applicants thank Examiner Duffy for the courtesies extended to Applicants' representative during a telephone call on October 2, 2008. Applicants have amended claims 12-14, 22, 25, 27, 28, 36, and 39 based on the discussions in the telephone call on October 2, 2008. This reply reflects the substance of the telephone call.

No New Issues

Claims 12-14, 22, 25, 27, 28, 36, and 39 have been amended for clarity. Therefore, Applicants submit that the amendments do not raise new issues and respectfully request entry of the amendments.

In particular, in the Office Action of August 4, 2008, limitations of claims 12-39 were objected to and Applicants were requested to clarify the limitations. See final Office Action of August 4, 2008 at pages 2-3. Applicants submit that entry of these amendments after a final rejection is proper as the amendments address the requirement of form expressly set forth in the Office Action of August 4, 2008. See 37 CFR § 1.116(b)(1) ("An amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action").

Moreover, Applicants submit that entry of these amendments after a final rejection is proper because good and sufficient reasons exist as to why the amendments were not earlier presented. See 37 CFR § 1.116(b)(3) ("An amendment touching the merits of the application or patent under reexamination may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented"). Specifically, the above amendments to claims 12-39 are being made to address a claim objection that is newly-raised in

the Office Action of August 4, 2008 and not necessitated by amendments to claims 12-39.

Accordingly, Applicants submit that earlier presentation of the above amendments to address the claim objection was not possible because the claim objection was not previously raised.

Therefore, for at least the reasons discussed above, Applicants submit that the amendments do not raise new issues and respectfully request entry of the amendments.

Claim Objections

Claims 12-29 were objected to for informalities. Specifically, the Office Action indicates that the disclosure describes users providing a rating of their skill for a game only, not a skill level for a game relative to another game. Applicants respectfully disagree.

Specifically, prior to the above amendment, claim 12 recited “displaying a relative skill level that represents the skill of a first user for a first identified video game relative to a second identified video game.” Applicants submit that support for this limitation exists in the application, for example, at FIG. 6 and the corresponding description. As shown in FIG. 6, the interface concurrently displays a first skill level of a first user for a first game with a second skill level of the first user for a second game. Because the first skill level and the second skill level are measured on the same scale, by concurrently displaying the first skill level and the second skill level, the interface displays a relative skill level that represents the skill of the first user for the first video game relative to the second video game. Therefore, Applicants traverse the objection of claim 12 and its dependent claims.

Claim 27 recited, prior to amendment, “enabling the first user to access profile information of a second user with respect to a plurality of video games, the profile information including a relative skill level of the second user for a first identified video game relative to a second identified video game.” For reasons similar to those discussed above with respect to claim 12, Applicants submit that support for this limitation exists in the application, for example, at FIG. 6 and the corresponding description. Therefore, Applicants traverse the objection of claim 27 and its dependent claims.

Despite Applicants disagreement with the claim objections of claims 12-39, to expedite prosecution, Applicants have amended claims 12 and 27 to clarify the identified limitations. Specifically, Applicants have amended claim 12 to recite “displaying an interface that enables

user determination of the skill of a first user for a first identified video game relative to a second identified video game.” Applicants submit that support for this limitation exists in the application, for example, at FIG. 6 and the corresponding description. As shown in FIG. 6, the interface concurrently displays a first skill level of a first user for a first game with a second skill level of the first user for a second game. Because the first skill level and the second skill level are measured on the same scale, by concurrently displaying the first skill level and the second skill level, the interface enables a user to determine the skill of the first user for the first video game relative to the second video game. Therefore, Applicants respectfully request reconsideration and withdrawal of the objection to amended independent claim 12 and its dependent claims.

As amended, claim 27 recites “enabling a first user to access an interface that includes profile information of a second user with respect to a plurality of video games, the profile information included in the interface enabling user determination of a skill level of the second user for a first identified video game relative to a second identified video game.” For reasons similar to those discussed above with respect to amended independent claim 12, Applicants respectfully request reconsideration and withdrawal of the objection to amended independent claim 27 and its dependent claims.

Because no rejections have been raised with respect to claims 12-39, Applicants submit that claims 12-39 are in condition for allowance.

Finality of the Office Action

To the extent that the amendments to claims 12-14, 22, 25, 27, 28, 36, and 39 are considered to raise new issues and are not entered, Applicants submit that the finality of the Office Action mailed on August 4, 2008 is improper. Specifically, claims 12-39 were not amended in response to the non-final Office Action of February 5, 2008, and the Office Action of August 4, 2008 introduces a new objection to claims 12-39. To the extent that the amendments to claims 12-14, 22, 25, 27, 28, 36, and 39 are considered to raise new issues, Applicants submit that the objection to claims 12-39 raises a new issue, which Applicants have not had the opportunity to address by way of amendment. Therefore, Applicants submit that the finality of the Office Action of August 4, 2008 is improper and should be withdrawn.

Claims 1-11, 40, and 41

Claims 1-11, 40, and 41 were rejected under 35 U.S.C. § 112, first paragraph, and 35 U.S.C. § 103. Although Applicants traverse these rejections, to expedite prosecution, Applicants have cancelled claims 1-11, 40, and 41, thereby rendering these rejections moot. Applicants reserve the right to prosecute claims 1-11, 40, and 41 at a later date in this or a continuing application.

Information Disclosure Statement

Three non-patent literature references cited in the information disclosure statement filed May 5, 2008 have not been considered because a copy of each of the three non-patent literature references was not provided with the information disclosure statement. However, the three non-patent literature references (Designation IDs AOO, APP, and AQQ) were cited by the Office in the Office Action mailed on July 23, 1993 in application serial number 08/149,026, which the present application relies on for an earlier effective filing date. Accordingly, because the information disclosure statement filed May 5, 2008 properly identified the earlier application by serial number 08/149,026, Applicants are not required to provide copies of the non-patent literature references.¹ See 37 C.F.R. 1.98(d) (reproduced below):

(d) A copy of any patent, publication, pending U.S. application or other information, as specified in paragraph (a) of this section, listed in an information disclosure statement is required to be provided, even if the patent, publication, pending U.S. application or other information was previously submitted to, or cited by, the Office in an earlier application, unless:

- (1) The earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. 120; and
- (2) The information disclosure statement submitted in the earlier application complies with paragraphs (a) through (c) of this section.

For the reasons discussed above, Applicants respectfully request consideration of the three references cited in the information disclosure statement filed May 5, 2008 that have not been previously considered.

¹ As a courtesy, Applicants' representative has thoroughly searched the application files related to this application. However, Applicants' representative has failed to locate the three non-patent literature references.

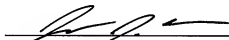
Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant submits that all claims are in condition for allowance. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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